



Zambia

Country Reports on Human Rights Practices - [2002](#)

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Zambia is a republic governed by a president and a unicameral national assembly. Since 1991 generally free and fair multiparty elections have resulted in the victory of the Movement for Multi-Party Democracy (MMD). In December 2001, Levy Mwanawasa of the MMD was elected president, and his party won 69 out of 150 elected seats in the National Assembly. The MMD's use of government resources during the campaign raised questions over the fairness of the elections. Although noting general transparency during the voting, domestic and international observer groups cited irregularities in the registration process and problems in the tabulation of the election results. Opposition parties challenged the election result in court, and court proceedings remained ongoing at year's end. The Constitution mandates an independent judiciary, and the Government generally respected this provision; however, the judicial system was hampered by lack of resources, inefficiency, and reports of possible corruption.

The police, divided into regular and paramilitary units operated under the Ministry of Home Affairs, had primary responsibility for maintaining law and order. The Zambia Security and Intelligence Service (ZSIS), under the Office of the President, was responsible for intelligence and internal security. Members of the security forces committed numerous, and at times serious, human rights abuses.

Approximately 60 percent of the labor force worked in agriculture, although agriculture contributed only 22 percent to the gross domestic product. Economic growth slowed to 3 percent for the year, partly as a result of drought in some agricultural areas. Pledged assistance from foreign donors increased substantially as a result of the peaceful change of administration, greater official attention to governance issues, the privatization of the mines, and the completion of a Poverty Reduction Strategy Paper. Approximately 73 percent of the country's estimated 10 million population live below the poverty line.

The Government's human rights record remained poor; although, there were some improvements in a few areas, serious problems remained. Police officers committed several unlawful killings and frequently beat and otherwise abused criminal suspects and detainees. Some police officers who committed these abuses were disciplined or remained in detention pending trial; however, most officers who committed such abuses did so with impunity. The lack of professionalism, investigatory skill, and discipline in the police force remained serious problems. Prison conditions were harsh and life threatening. Arbitrary arrests, prolonged detention, and long delays in trials were problems. The courts issued a number of rulings against the Government, senior officials, and the ruling MMD party during the year. The National Assembly rescinded former President Chiluba's constitutional immunity from prosecution, an action he challenged in court. The police infringed on citizens' privacy rights. The private media generally were free; however, there were reports that the Government at times sought to restrict press freedom. Violence against women remained widespread, and women continued to experience discrimination in both law and fact, including the denial of widows' inheritance rights. Child abuse was a problem. Discrimination against persons with disabilities was a problem. Child labor was a problem in rural subsistence occupations and some urban occupations. There were reports of trafficking in persons.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

Police committed several unlawful killings during the year. The Legal Resources Foundation (LRF), an

independent human rights organization that counseled victims' families and represented them in action against the state, consistently investigated and publicized such incidents.

On February 11, a police officer in Chalimbana killed Joe Mpambeni, a 28-year-old man, allegedly for failing to settle a beer debt. The Director of Public Prosecutions (DPP) determined that sufficient evidence did not exist for criminal prosecution. The LRF brought a civil action against the officers involved, and a trial was pending at year's end.

On March 28, Fackson Kafumukache, a chief's retainer allegedly in possession of poached game meat, died in Solwezi after a police officer beat him to discipline him at the request of Chief Kapijimpanga. The officer turned himself in when he learned Kafumukache had died. No further action was taken by year's end.

On May 7, the LRF reported that five armed police officers from the Shibuyunji police post went on a rampage, stealing, burning houses, and severely beating Henry Simwinga, who subsequently died of his injuries. Two of five officers allegedly involved have been arrested and charged with aggravated robbery, arson, and assault; however, there was no trial by year's end.

On August 17, the LRF reported that a police officer beat Mukata Sifu, reported by his family to be mentally ill, for stealing two packages of cookies. Sifu died September 4; an autopsy found that Sifu died from blows to the head and chest. The LRF was considering legal action on behalf of Sifu's family at year's end.

On February 14, former State House Comptroller Gibsonimba appeared in court to answer charges of murdering three teachers in 2001 nearimba's home; a police officer was also charged. The Inter-Africa Network for Human Rights and Development (AFRONET), a local human rights nongovernmental organization (NGO), demanded an investigation into the killings. A trial was ongoing at year's end.

Police forcibly dispersed a demonstration in which at least one person was killed (see Section 2.b.).

Several persons died in custody during the year. A large number of prison inmates died due to illness and harsh conditions (see Section 1.c.).

Alison Phiri, a 25-year-old man, died in police custody approximately 7 days after being detained on January 27 as a suspect in a house breaking and theft case; according to the LRF, he had been beaten severely with batons and slammed against the wall and floor. In August the LRF asked the court to order an inquest into the circumstances of Phiri's death. There was an inquest; however, no results were released by year's end.

On March 8, David Nkwambwa died in the Livingstone Airport police cells. A preliminary police investigation found that the victim had committed suicide; however, relatives repeatedly told the LRF that Nkwambwa died of injuries sustained from being assaulted in police custody. The victim's mother reportedly found her son in a kneeling position with an undershirt tied around his neck. There was an inquest; however, no results were released by year's end.

The father of Eddie Muonga sought the assistance of the LRF to press for prosecution of the responsible police officers following the death of his son in police custody at Chawama in late 2001 after being severely beaten. A police officer was suspended but not charged with any criminal offense. The LRF initiated a civil action against the Government that was pending at year's end.

In July the LRF initiated a civil action against the Government in the 2001 death in custody of Lameck Siamapande, and the officers remained in detention at year's end pending a trial. In addition, the Government agreed to pay compensation to the victim's family, though an amount was not determined by year's end.

After the Government declined to present a defense, the LRF won a civil suit in the deaths in custody of Kelvin Mushabati and Geoffrey Michelo in 2000. A decision on the amount of damages was pending at year's end.

By year's end, there was no court ruling had been issued nor a date set for a decision in 1999 case of two suspects charged with murdering Wezi Kaunda, the son of former President Kenneth Kaunda. In August a public exhibit was opened in Lusaka by AFRONET to generate pressure on the Government to investigate deaths occurring under mysterious circumstances, such as that of Wezi Kaunda.

There were no confirmed deaths caused by landmines during the year.

In 2001 unknown persons killed Paul Tembo, a former senior MMD official, the night before he was to testify before a tribunal convened to investigate charges of financial fraud--testimony that was expected to be highly damaging to the government ministers being investigated. On March 13, Tembo's wife was charged with murdering her husband but on October 29, the Lusaka High Court discharged her after the Prosecution dropped the charges following the deaths in a traffic accident of two key prosecution witnesses.

Unlike in the previous year, there were no armed attacks within the country's territory as a result of the conflict in Angola.

b. Disappearance

There were no reports of politically motivated disappearances. However, there were reports that Angolan government forces or National Union for the Total Independence of Angola (UNITA) rebels abducted persons, particularly young persons, for forced labor in Angola. On July 23, then Home Affairs Minister Lackson Mapushi told Parliament that Angolan soldiers abducted 261 Zambians from January 1999 until March. In December Angolan government forces detained eight Zambians who crossed the border into Angola. A detained woman was released quickly; however, there was no further information on the whereabouts of the seven detained men at year's end.

On July 1, the remaining citizens abducted from the Western Province by UNITA rebels early in the year returned to the country (see Section 6.f.).

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits such practices; however, police frequently used excessive force when apprehending, interrogating, and detaining criminal suspects or illegal immigrants. In most instances, officers who beat suspects generally were not disciplined or arrested for such acts, although local human rights organizations were active in pressing for such action. The LRF systematically investigated and publicized such incidents and represented victims in court proceedings.

For example, on January 9 and 10, police and neighborhood watch officers beat Joe Shapi Mulenga while being detained without charges at Chipata police post. In February the LRF filed a lawsuit against the responsible police officers for false imprisonment and assault; there were no further developments by year's end.

On March 13, according to the LRF, a drunken Matero police officer beat and injured Leonard Zimba with a heavy leather whip while questioning him during a theft investigation. There was no known disciplinary action taken against the responsible officer.

Police Officer Wilbroad Chewa reportedly was ordered to pay \$333 (1.5 million kwacha) in compensation after being accused of the February 9 rape at Chawama police post of a woman who had sought police assistance in recovering a missing radio. By year's end, Chewa had not paid the woman, and criminal charges had not been filed against him.

In April the police reportedly launched investigations into reports implicating five police officers in alleged rape cases and harassment of prostitutes. The results of the investigation were not known by year's end.

On April 18, President Mwanawasa dismissed Teddy Nondo as Deputy Commissioner of the Drug Enforcement Commission. Dean Mung'omba, leader of the opposition Zambia Alliance for Progress (ZAP), reactivated a legal suit against the Government, which alleged that he was tortured by Nondo while incarcerated in 1997 on false treason charges. The LRF also obtained signatures of other victims of alleged abuse by Nondo; however, the DPP refused to grant authority for civil prosecution.

Other 1997 coup suspects also accused Emmanuel Lukonde of being one of the senior police officers who had tortured them or who had given instructions to subordinates to carry out the torture. The 2000 report of the official Torture Commission recommended that both Lukonde and Nondo be retired from police service in the national interest. At the time, the Government rejected most of the Commission's recommendations; however, on June 19, President Mwanawasa ordered the retirement of Lukonde from his post as Commissioner of Police. On October 6, Legal Affairs Minister George Kunda stated that the Government was reconsidering a number of recommendations from the Commission, including those that recommended victim compensation; however, no further action had been taken by year's end.

Police forcibly dispersed a demonstration in which at least one person was injured (see Section 2.b.).

There was no known action during the year, nor was any action likely to be taken, against the police officers responsible for torturing, beating, or abusing the persons in the following cases from 2001: The January case in which police and a neighborhood watch group beat, detained, and subsequently released with a charge of immoral behavior 11 men who were suspected of killing a man; the January case in which 8 officers of the Kabwe flying squad tortured Adess Ngulube in her home and at a police station; the March beating and detention of Godfrey Mulundano; and the May case in which police used tear gas to disperse persons from the site of a banned rally, resulting in the death of an elderly man who was struck by a car while fleeing the scene.

There was no known action taken during the year, nor was any action likely to be taken, against the police responsible for torturing, beating, or abusing the persons in the following cases from 2000: The January case of Shadreck Selemani; the August case at the University of Zambia that followed demonstrations the day prior; and the August case of Hendrix Mbumwai.

During the year, the court referred a civil action against police accused of abusing Cedrick Phiri in 1999 to mediation after the Government requested another postponement. The results of the mediation were pending at year's end.

The amended Police Act provides for a police complaints authority to which members of the public could direct complaints of police harassment and abuse. In June then Minister of Home Affairs Lackson Mapushi announced the establishment of the Police Complaints Authority and appointed the first authority members.

On July 25, the new Inspector General of Police announced that a Police Professional Standard Unit would be established to investigate corruption, arbitrary arrests and detention, and other unprofessional behavior in the police force. He also stated that the unit would have the power to recommend action against any implicated officers and that it would be under the direct authority of the senior police prosecutions officer, who is a lawyer. Human rights groups welcomed the announcement; however, they also expressed skepticism about the effectiveness of such a unit without the authority of a statute. The Police Professional Standards Unit was established and operational by year's end.

Corruption in the security forces also was a problem. On July 5, Xavier Chungu, the Director of ZSIS, was arrested and charged with abuse of authority in making irregular payments from a secret government account. There were reports that police released prisoners in exchange for bribes. Police often detained citizens in private debt disputes in exchange for a portion of the payment owed (see Section 1.d.). Police sometimes committed extortion at roadblocks or required document processing "fees" or "gas money" in order to commence investigations (see Section 2.d.).

The police investigated instances of police use of excessive force and disciplined officers found to have committed human rights abuses. Officers who committed serious abuses sometimes were prosecuted; some were convicted and sentenced to prison. Other cases of abuse in detention frequently went unpunished unless an NGO took up the case on behalf of the victim. Punishment, if any, usually came years after the abuse was committed, and the accused officers often remained on duty in the interim.

During the year, human rights groups reported a change in the government attitude toward allegations of police misconduct. In some cases, the Government decided not to present a defense and agreed to mediate settlements out of court. The LRF agreed to settle 30 outstanding cases by mediation; at year's end, 19 cases were settled, and the remaining 11 were awaiting decisions on the amount of damages to be awarded. The Solicitor General indicated that the Government intended to recover some portion of awarded monetary damages from the responsible police personnel.

Senior government officials acknowledged the problem of police abuse and requested foreign donor assistance for training of the police. A national forensic laboratory was founded in 2001 to provide the police with resources for professional investigations, and some laboratory equipment was acquired during the year.

Human rights training for new recruits, middle ranks, and long-serving officers continued at the police academy. The training has raised police awareness of human rights; however, there was no decrease in police use of physical force to gather information from suspects.

Despite a High Court ban on corporal punishment in the country, some chiefs in Northern Province continued to use corporal punishment as a disciplinary measure in local court cases. During the year, the police told Chief

Chiundaponde in Mpika, Northern Province, that they could not enforce the decree he issued on February 1 under which anyone who killed or assaulted someone would be killed or assaulted with the same weapon.

On July 24, three citizens were injured when approximately 100 suspected bandits from the Democratic Republic of Congo (DRC) raided their village in Nchelenge before looting their homes and granaries.

Prison conditions were harsh and life threatening. According to official statistics, prisons designed to hold 5,330 prisoners held more than 13,160 prisoners as of August. This severe overcrowding, combined with poor sanitation, inadequate medical facilities, meager food supplies, and lack of potable water, resulted in serious outbreaks of dysentery and other diseases, including tuberculosis. According to the Ministry of Home Affairs, 91 inmates died of tuberculosis or dysentery between January and September. The Government attempted to address water and sanitation problems with funds from donors, and water systems were rehabilitated at two prisons.

In April the Minister of Home Affairs reported that starvation was occurring in prisons throughout the country because the Prison Service had not received enough funds for food. He indicated that long-term measures to produce sufficient maize for prisoners had been worked out to avoid food shortages in the future. Efforts were underway to expand agricultural production in prisons so that they would be self-sufficient.

On June 2, the Minister of Home Affairs announced that more than 100 terminally ill and aged prisoners that had not committed unpardonable offenses would be released within 2 weeks as a humanitarian gesture and to relieve overcrowding. On October 18, the Minister announced that another 170 terminally ill and aged prisoners would be released within 48 hours again to relieve overcrowding. Both of these prisoner releases took place.

Women and men were held separately. Juveniles often were not held separately from adults. Pretrial detainees were not held separately from convicted prisoners.

The Government permitted prison visits by both domestic and international NGOs and by resident foreign diplomats during the year. Provincial human rights committees periodically inspected prison conditions. The LRF maintained a prison visitation program under which it participated in the deportation of prohibited immigrants to their countries of origin to help relieve prison overcrowding (see Section 2.d.). The LRF reported some improvement in its working relationship with prison authorities in arranging prison visits.

d. Arbitrary Arrest, Detention, or Exile

The law prohibits arbitrary arrest and detention; however, the Government did not respect these prohibitions. Criminal suspects often were arrested on the basis of insubstantial evidence or uncorroborated accusations. Unlike in the previous year, there were no reports that family members or associates of criminal suspects sometimes were detained, interrogated, and physically abused by the authorities in attempts to identify or locate suspects. Attorneys and family members were permitted access to pretrial detainees.

Although there was a functioning bail system, overcrowded prisons reflected in part the large number of detainees charged with offenses for which bail was not granted. These included treason, murder, aggravated robbery, and violations of narcotics laws, as well as lesser offenses such as motor vehicle theft. The Oasis Forum, a local NGO, called for abolition of the nonbailable provision in laws regarding motor vehicle theft, which was applied in the August arrests and detention of Xavier Chungu, former chief of the ZSIS, and Richard Sakala, who was former President Chiluba's press aide. Chungu also was charged with abuse of authority in making irregular payments from a secret government account. There were no cases of "constitutional bail," which may be granted in cases in which a judge determined that the accused has been detained for an excessive period without evidence being presented against him or her.

Indigent detainees and defendants rarely had the means to post bail. The Government's legal aid office was responsible for providing representation for indigent detainees and defendants in criminal or civil cases; however, in practice few received assistance. The office had nine attorneys and a budget of \$128,000 (576 million kwacha) during the year.

Police stations frequently became "debt collection centers," where police officers acting upon unofficial complaints indefinitely detained debtors without charge, until they paid the complainants. In return the police received a percentage of the payments.

Pretrial detention often was prolonged. On December 6, the Chief Judge of the High Court said that over 1,000

detainees were awaiting trial in Lusaka in facilities intended to hold only 260 detainees. In some cases, defendants were awaiting trial for as long as 2 to 3 years. In past years, some defendants had waited as long as 10 years for completion of appeals processes that reached the Supreme Court. These long delays were a result of inadequate resources, inefficiency, lack of trained personnel, and broad rules of procedure that give wide latitude to prosecutors and defense attorneys to request adjournments (see Section 1.e.).

In March a 29-year-old mother, Alice Munachilengala, and her 3-year-old baby were forced to spend a night at Kamanga police post after being accused of disobeying police orders. The woman was released without being charged; however, she was required to pay \$2.22 (10,000 kwacha) for sleeping in police cells. There were no further developments by year's end.

In April Lukas Zulu, a 34-year-old farmer, was detained for 4 days on suspicion of stock theft, then released without explanation. When he asked why he was not being taken to court, the officers ordered him not to ask any questions concerning his detention. No action was taken by year's end.

Authorities arrested four journalists on charges of defamation during the year (see Section 2.a.).

Two Members of Parliament (M.P.s) and two journalists charged in 2001 with defamation of former President Chiluba were acquitted in July (see Section 2.a.).

There was no action taken in the following 2001 cases of arbitrary arrest and detention: The January detentions of a mother, father, and their 1-year-old daughter; the March detention of Kennedy Kangwa for 2 months; and the March beating and detention of Godfrey Mulundano.

There were no developments in the following court cases: The 1999 murder case against Donald Phiri; the 2000 case against four opposition cadres; and the 2000 case against Imasiku Mutangelwa.

The law prohibits government use of exile for political purposes, and the Government did not use it. In May the Government revoked earlier deportations of William Banda, former Lusaka Urban District Governor and a leader of the United National Independence Party, and Majid Ticklay, who was deported by the Government in 2000 after he wrote a letter publicly urging the Asian community to unite behind one political party. Banda and Ticklay returned to the country without incident.

During the year, the Government sought to assure citizens who remained in self-imposed political exile in foreign countries that they could return. In May the press reported that Liberal Progressive Front President Dr. Roger Chongwe, living in Australia, was invited home and assured of his safety in the country; however, he did not return during the year.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice; however, the judicial system was hampered by lack of resources and inefficiency. The President nominates and the National Assembly confirms the Chief Justice and other members of the Supreme Court. On July 31, Chief Justice Matthew Ngulube resigned after being named as a beneficiary of a secret government account. On August 9, President Mwanawasa announced increases in salaries and benefits for judges when he swore in Ernest Sakala as the country's new Chief Justice. One opposition newspaper alleged that the increments were awarded in an attempt to influence the court's decision on petitions alleging rigging in last year's presidential elections (see Section 3). During the year, the courts issued a number of rulings against the Government, senior officials, and the ruling MMD party. In addition, the courts acquitted or discharged journalists and M.P.s charged in two defamation suits (see Section 2.a.).

The Supreme Court had appellate jurisdiction for all legal and constitutional disputes. The High Court, which held regular sessions in all nine provincial capitals, had authority to hear criminal and civil cases and appeals from lower courts. Magistrate courts had original jurisdiction in some criminal and civil cases; local, or customary, courts handled most civil and petty criminal cases in rural areas.

Local courts employed the principles of customary law, which varied widely throughout the country. Lawyers were barred from participating in proceedings in such courts, and there were few formal rules of procedure. Presiding judges, who usually were prominent local citizens, had substantial power to invoke customary law, render judgments regarding marriages, divorces, inheritances, other civil proceedings, and rule on minor criminal matters.

Judgments often were not in accordance with the Penal Code; for example, they tended to discriminate against women in matters of inheritance (see Section 5).

Trials in magistrate courts were public, and defendants had the opportunity to confront their accusers and present witnesses; however, many defendants lacked the resources to retain a lawyer, and the limited resources of the Government's legal aid department meant that legal aid was unavailable for many citizens. Courts were congested, and there were significant delays in trials while the accused remained in custody. In criminal cases, the law requires that a detainee be charged and brought before a magistrate within 24 hours; in practice the authorities held most detainees for more than 1 month from commission of an offense to the first appearance before a magistrate. In many cases, an additional 6 months elapsed before a magistrate committed the defendant to the High Court for trial. Following committal, preparation of the magistrate court record for transmittal to the High Court took months, or in some cases as long as a year. Once a case reached the High Court for trial, court proceedings lasted an average of 6 months. Approximately 30 of 72 magistrate positions were filled by fully qualified individuals, the rest were filled by lay magistrates. Unlike in the previous year, there was no strike action during the year by magistrates or judges.

In 2000 the Magistrates and Judges' Association tried to expedite the process of court appearances by setting up a fast-track court that could quickly hear minor, uncomplicated cases. During a 2001 strike by the Magistrates and Judges' Association, this mechanism was suspended and has not been reinstated. During the year, courts began hearing cases on Saturdays on a voluntary basis to reduce backlogs.

Courts continued to act independently and at times made judgments and rulings critical of the Government (see Section 3). For example, in both July and September, the courts stayed implementation, pending judicial review, of Parliament's unanimous decision to revoke former President Chiluba's immunity from prosecution.

Appeals in the cases of 59 military personnel detained during a 1997-98 state of emergency and later sentenced to death for involvement in an attempted coup were ongoing. On September 30, the Supreme Court held a hearing on the appeals, but the case was adjourned. The appeals again were heard in December; however, a ruling was not issued by year's end.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits such actions; however, the Government frequently did not respect these prohibitions in practice. The law requires a search or arrest warrant before police may enter a home, except during a state of emergency. Police routinely ignored this requirement and often arrested alleged criminals at their homes without an arrest warrant.

Roundups of suspected illegal aliens in the home or workplace continued (see Section 2.d.). According to the Government's Commissioner for Refugees, immigration officials were empowered under the law to conduct these roundups without a warrant.

The Constitution grants the Drug Enforcement Commission and the ZSIS authority to wiretap telephones for probable cause. There were no confirmed reports of wiretaps during the year.

Unlike in the previous year, police did not detain or abuse relatives and associate of suspects.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press; however, the Government at times restricted these rights in practice. The Penal Code prohibits various activities that may be interpreted broadly to restrict these freedoms such as regulations requiring prior notification of rallies and libel legislation.

In response to headlines and stories of alleged corrupt practices on the part of government officials, the accused government officials and other individuals have brought numerous libel suits against the independent Post newspaper. During the year, nearly 80 cases filed over a period of 6 years were waiting to be adjudicated. The private print media routinely criticized the Government.

On October 8, police issued a warning to M.P. Vitalis Mooya for alarming the nation by stating publicly that three persons in his constituency died of hunger. The Government had declared a crisis due to drought in some areas but repeatedly told the public that relief supplies were adequate. On October 21, the DPP announced that Mooya would not be prosecuted.

The Government exercised considerable influence over the government-owned media, including reviewing articles prior to publication and censoring individuals responsible for published articles or programs deemed offensive by the Government. As a result, workers in the government media generally practiced self-censorship. The government-owned media continued to be supportive of the Government. In August the government-owned Zambia National Broadcasting Corporation (ZNBC) excluded experts who regarded grain containing genetically modified organisms (GMO) as safe for human consumption from a program debating whether the country should accept food relief assistance that could not be certified as GMO-free.

A number of privately owned newspapers questioned government actions and policies, and these circulated without government interference. For the last 5 years, the leading private daily, the Post, had an Internet website that attracted more than 15,000 readers per month. The government-controlled Times of Zambia and Zambia Daily Mail, two of the most widely circulated newspapers, also had websites.

The law provides that investigative tribunals can call as witnesses journalists and media managers who print allegations of parliamentary misconduct. Failure to cooperate with a tribunal could result in charges of contempt punishable by up to 6 months in jail. The media criticized these provisions as clear infringements of freedom of the press and as a means for parliamentarians to bypass the court system.

Although the Post continued to run articles containing explicit information on government corruption cases during the year, Post staff was not targeted for legal action over any of these stories.

On June 5, authorities arrested four journalists, Emmanuel Chilekwa, Shaderick Banda, Kinsley Lwendo, and Jean Chirwa, for defamation for reporting that President Mwanawasa suffered from Parkinson's disease. On June 6, a Lusaka court refused to grant bail, which the court reaffirmed on June 25. The International Secretariat of Reporters without Borders took up their cause. On July 30, the Lusaka Magistrate's Court discharged them after President Mwanawasa agreed to accept their apology for the article. The journalists told the court that the article was based on information obtained from Richard Sakala, who served as former President Chiluba's press secretary.

On July 12, the Lusaka Magistrate's Court acquitted Post editor Frederick M'membe, reporter Bivan Saluseki, and M.P.s Edith Nawakwi and Dipak Patel on charges filed in 2001 of defaming former President Chiluba. Nawakwi had called President Chiluba a "thief" in public remarks, which Saluseki subsequently reported in the Post. All four had been free on bail since their arrest in August 2001.

In addition to the government-controlled radio station, there were several church-related radio stations, two private commercial radio stations, and three community radio stations in the country. Radio Phoenix rebroadcast Voice of America (VOA), British Broadcasting Corporation (BBC), and South African Broadcasting Corporation (SABC) items. A Catholic radio network, Radio Yatsani continued broadcast operations; however, the Government has not approved an application to add an associated television station. The radio license limited Radio Yatsani to three newscasts of 3 minutes each per day. Yatsani officially had permission to rebroadcast VOA and BBC transmissions; however, it first must have excerpts approved by the Ministry of Information, a censorship process that effectively eliminated timely rebroadcasts.

Unlike in the previous year, there were no reports of direct government intervention in private broadcast operations.

The Government-owned ZNBC was the sole local-content television station. Multichoice, a telecommunications company based in South Africa, provided satellite and analog wireless subscribers with television services. These services included broadcasts of Cable News Network (CNN), BBC World, Sky Television, and the SABC's Africa News. They also provided three BBC, one Radio France International, and VOA radio news broadcasts. None of the services included local news coverage. There was a second wireless television service, CASAT. Trinity Broadcasting Network, a foreign-based, church-related television network, broadcast a 24-hour transmission of prerecorded religious programming from a rented studio at the former ZNBC complex.

Opposition political parties complained that government control of the ZNBC and two major newspapers limited their access to the chief means of mass communication in the country. Opposition politicians and the Government

submitted bills to Parliament that would revise media legislation. At year's end, negotiations were underway to resolve differences between the competing bills.

The Government did not restrict access to the Internet.

The Government did not restrict academic freedom. Although the law gives the University Council a mandate to address faculty concerns, the Minister of Education was empowered to appoint the members of the Council; some academics criticized this provision as an infringement of academic freedom.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly, and the Government generally respected this right in practice. The law requires rally organizers to notify the police 7 days in advance of a rally. The police may advise the organizers that the time or venue is unacceptable. In practice the police did not interfere with most peaceful rallies whose leaders followed the prior notification rule, especially when such events could be described as politically neutral or favorable to the Government or MMD. Unlike in the previous year, the authorities did not deny permission to proceed with, ban, or block rallies planned by the political opposition.

In July university students staged an unauthorized demonstration on roads leading to Parliament buildings in order to demand revocation of the former President's immunity from prosecution. Some members of the National Assembly expressed concern that their personal safety might be put at risk if they departed from the Parliament buildings without acting on the immunity question, and the National Assembly passed the government-supported revocation before departing. To maintain order police lined the roadways where the students were demonstrating; however, they did not attempt to break up the gathering, and there was no violence.

On November 26, a 14-year-old boy was killed and a 30-year-old woman injured when police in a Lusaka neighborhood fired their weapons to disperse a crowd protesting the demolition of squatters' dwellings. This was a spontaneous demonstration, and there had been no prior notification. The Government subsequently ordered local authorities to suspend demolition of squatters' quarters.

There was no known action taken against police responsible for injuring students during a demonstration in 2000.

The Constitution provides for freedom of association; however, the Government placed some limits on this right in practice. All organizations must apply formally for registration to the Registrar of Societies. In most cases, authorities routinely approved these applications. There were 45 political parties and dozens of NGOs registered. The Government threatened to take action against those organizations that did not submit annual reports to the Registrar of Societies; however, no action has ever been taken.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice. Although the Constitution declared the country a Christian nation, the Government in practice generally respected the right of all faiths to worship freely.

The Government required the registration of religious groups, and the Government approved all applications for registration from religious groups without discrimination.

Religious leaders spoke out forcefully during the year in supporting calls for investigation into, and prosecution of, corruption and other abuse of public office during the administration of former President Chiluba.

The Oasis Forum, composed of the Zambia Episcopal Conference, the Christian Council of Zambia, and the Evangelical Fellowship of Zambia, convened numerous public events to promote discussion of comprehensive constitutional reform. Although disagreeing with the Oasis Forum's position, the Government did not dispute the Forum's right to express its views.

For a more detailed discussion see the 2002 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights; however, at times the Government limited them in practice. Police continued to man numerous roadblocks around the country to control criminal activity, enforce customs and immigration regulations, check drivers licenses, and inspect vehicles for safety compliance. Police at times extorted money and goods from motorists at these roadblocks. In an effort to reduce opportunities for corruption, signs were erected at some roadblocks serving notice that payment of fees was prohibited. These signs were not notably effective.

Unlike in the previous year, there were no raids by Angolan government or UNITA forces in the country.

The law does not provide for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol; however, in practice the Government complied with the provisions of these agreements. The Government offered first asylum to refugees fleeing conflict in neighboring countries. The U.N. High Commissioner for Refugees (UNHCR) estimated that there were approximately 275,000 refugees, mainly Angolans and Congolese, in the country at year's end, 135,000 of whom were in formal camps. The Government cooperated with the office of the UNHCR and other humanitarian organizations in assisting refugees.

Following the death in February of UNITA leader Jonas Savimbi and the April ceasefire in Angola, the influx of refugees arriving from Angola ceased. New arrivals from the DRC declined significantly during the year. An estimated 10,000 Angolans spontaneously returned home, 4,000 of them from formal camps and settlements. In June, with UNHCR and the Government's cooperation, the Angolan Government carried out a repatriation airlift of 149 refugees, mostly relatives of UNITA leaders and families. The Government continued to cooperate closely with UNHCR, and cautioned refugees against returning to Angola before facilities were in place to receive them.

At year's end, the authorities held in detention pending deportation approximately 200 illegal immigrants, principally from neighboring countries. Because the immigration authorities lacked funds for deportation, illegal immigrants sometimes were kept in prison for extended periods, sometimes for more than 5 years. It was reported in February that the Immigration Department had deported 103 illegal immigrants to their respective countries, with travel funding from the Permanent Human Rights Commission (PHRC). The Department planned to deport 80 additional illegal immigrants, both as a humanitarian measure and in order to alleviate prison congestion.

There were no reports of the forced return of persons to a country where they feared persecution.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government, and citizens exercised this right in practice through periodic elections held on the basis of universal suffrage.

Under the Constitution, the President exercises broad authority. The National Assembly ratifies major appointments and theoretically has broad powers. The ruling MMD emerged from the December 2001 elections lacking sufficient seats to hold an outright majority, thus confirmation of some presidential appointees was delayed or blocked. President Mwanawasa's anticorruption campaign had the broad support of all parties, and on July 16, Parliament voted unanimously to revoke former President Chiluba's immunity from prosecution. The MMD gained majority control of the National Assembly by winning three by-elections in August and September. Even with an MMD majority, the Government was forced to withdraw several bills in November and December because of opposition in Parliament. The anticorruption campaign resulted in many arrests and suspensions of former and current government officials. No prosecutions had been completed by year's end.

In December 2001, 11 political parties contested the presidential elections. Levy Mwanawasa, the MMD presidential candidate, was elected with 29 percent of the vote; runner-up Anderson Mazoka, the United Party for National Development (UPND) candidate, won 27 percent of the vote. The remaining 44 percent of the vote was divided among the other nine opposition candidates. The MMD won 69 out of 150 elected parliamentary seats, leaving it slightly short of a majority; the remaining 81 elected seats were divided among several opposition parties and 1 independent member. Approximately 55 percent of eligible voters registered, and approximately 70 percent of registered voters cast ballots. President Mwanawasa was sworn in on January 2.

Although noting general transparency during the voting, domestic and international observer groups cited irregularities in the registration process and problems in the tabulation of the election results. There were no reports of violence or overt intimidation during the elections. The MMD's use of government resources during campaigns, including the government-owned media, called into question the fairness of the elections. Opposition parties further alleged that significant rigging took place during the elections. Mazoka, Christon Tembo of the

Forum for Democracy and Development, and Godfrey Miyanda of the Heritage Party challenged the election results in court on those grounds. On July 23, the court banned public comments on this matter, after the three petitioners claimed that they were intimidated by President Mwanawasa's warning in a media interview that his accusers should "also be prepared to accept as a reward for their evidence that they should be prosecuted and possibly convicted of theft or corrupt practices." President Mwanawasa also indicated that he was unaware of any election rigging and expressed publicly his willingness to step down if the court nullified his election. The decision was pending at year's end.

On July 29, when Mazoka and another party official were summoned to police headquarters for questioning, the UPND complained that the Government was attempting to "vilify and scandalize" the former presidential candidate.

On July 29, following a second recount, the Lusaka High Court declared incumbent Kabwata M.P. Given Lubinda of the UPND duly elected M.P. in his constituency. The losing candidate, who had alleged irregularities in ballot paper security, had challenged the December result. In separate actions, the court also upheld elections in the Itzhi-tezhi, Lukulu West, and Chiengi parliamentary constituencies.

On August 2, in response to suits brought by losing candidates, the Lusaka High Court nullified the December 2001 parliamentary election results in the Isoka East and Isoka West constituencies, which had been won by Foreign Affairs Deputy Minister Catherine Namugala and Harry Sinkala, respectively, both of the ruling MMD party. The court cited contradictory maps, which created confusion over the constituency boundaries. The courts also overturned election results in Lukulu East, Msanzala, and Mulobezi. In all cases, M.P.s applied for a stay of judgment, pending rulings on their appeals to the Supreme Court.

Parliamentary by-elections were held in the Bwacha, Lufwanyama, Mwandi, and Kabwe Central constituencies. Local and international monitors and observers formally were accredited upon payment of \$2.22 (10,000 kwacha) and \$33.33 (150,000 kwacha) fees, respectively. The ruling MMD party candidates won all four seats in what observers judged as free and fair elections, and it now has a slim majority in Parliament.

Parties and NGOs generally were satisfied that the new system of voter registration adopted in advance of the 2001 elections was not subject to manipulation by the ruling party. However, the overall process of voter registration remained inefficient and difficult for eligible citizens to use.

There were 18 women in the 158-seat Parliament (150 members were elected, while 8 others were appointed by the President). Former ambassador Gwendoline Konie and Dr. Inonge Mbikusita-Lewanika were the first women to run for president in the 2001 elections.

There were 2 elected ethnic Asians in the 158-seat Parliament.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to their views. Unlike in the previous year, there were no known complaints by human rights or civic education NGOs of harassment by the Government or organizations supported by the Government.

Some domestic human rights organizations, including the Law Association of Zambia, Women for Change, the Catholic Commission for Justice and Peace, and the Zambia Civic Education Association, continued to press for a more transparent democratic electoral system. Human rights, development, and election NGOs monitored the by-elections during the year and organized civic education activities focused on improving voter participation and information. Several of these organizations worked to organize voter awareness campaigns and create conflict resolution bodies to address violations of the electoral code of conduct.

Government representatives cooperated with the international NGO Transparency International that mounted a campaign to encourage adoption of a national strategy against corruption.

Human rights training that the LRF offered to arrange for police officers in Livingstone did not materialize; however, the LRF reported that senior police commanders have adopted a more responsive attitude toward human rights organizations. A local NGO conducted human rights training during the year for police personnel in the Southern Province.

The Government did not interfere with inquiries or visits by human rights organizations or other international representatives. The LRF had access to imprisoned clients.

A Supreme Court justice chairs the PHRC; other members were drawn from throughout society and included the former head of the Foundation for Democratic Processes and a University of Zambia lecturer on human rights. The Commission interceded on behalf of persons whose rights it believed were denied by the Government and spoke out on behalf of detainees and prisoners. The Commission oversaw human rights committees in all provincial capitals. Independent human rights groups complained that the PHRC was understaffed, underfinanced, and lacked sufficient authority to enforce its recommendations.

Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution prohibits discrimination based on race, tribe, sex, place of origin, marital status, political opinion, color, or creed. Constitutional amendments barring citizens of partial or full foreign ancestry from the presidency violated the prohibition on discrimination based on place of origin. These amendments also prohibit traditional chiefs, who were accorded authority and privileges as chiefs, from running for political office unless they resigned their chieftainships.

Women

Domestic violence against women was a serious problem. Wife beating and rape were widespread. Domestic assault is a criminal offense. The police had a Victim Support Unit (VSU) to handle the problems of domestic assault, wife beating, mistreatment of widows by the deceased husband's relatives, and "property grabbing"; however, the police in practice often were reluctant to pursue reports of domestic violence, preferring instead to encourage a reconciliation. The Government and NGOs expressed continued concern about violence against women, and the media continued to devote considerable publicity to it during the year. Recent statistics were not available; however, more than 4,700 rape cases were reported to the police between 1991 and 1998. Of these, approximately 30 percent resulted in conviction and 5 percent in acquittal. The remainder of the cases either were dismissed or remain unresolved. The courts normally sentenced defendants convicted of rape to hard labor. Since many rape cases were not reported to the police, the actual number was considered to be much higher. In 2001 at its "Drop In" Center in Lusaka, the Young Women's Christian Association reported 12 cases of sexual abuse, 22 cases of domestic violence, and 257 cases of marriage problems.

Prostitution was considered prevalent, but no statistics were available. In April a police investigation was begun into allegations that five police officers had engaged in sexual harassment of prostitutes. The case was dropped after the prostitutes failed to identify positively the police officers who allegedly had harassed them.

Seven women who returned to the country from Angola reported sexual abuse there (see Sections 6.c. and 6.f.).

Both the Constitution and the law entitle women to equality with men in most areas; however, in practice women were disadvantaged severely in formal employment and education compared with men. Married women who were employed often suffered from discriminatory conditions of service. Women had little independent access to credit facilities; in most cases, they remained dependent on their husbands, who were required to cosign for loans. As a result, few women owned their own homes. Some small financial institutions allowed women to sign independently for loans.

Customary law and practice also placed women in a subordinate status with respect to property, inheritance, and marriage, despite constitutional and legal protections. Polygyny was permitted if the first wife agreed to it at the time of her wedding. During the year, the NGO Women and Law in Southern Africa campaigned against the common traditional practice of "sexual cleansing," under which a widow had sex with her late husband's relatives as part of a cleansing ritual. Under the law, the children of the deceased man equally shared 50 percent of an estate; the widow received 20 percent; the man's parents received 20 percent; and other relatives received 10 percent. The widow's share must be divided equally with any other women who can prove a marital relationship with the deceased man, thus granting inheritance rights to other wives, mistresses, and concubines. However, under the traditional customs prevalent in most ethnic groups, all rights to inherit property rested with the deceased man's family. In practice property grabbing by the relatives of the deceased man remained widespread, although increased training of local court officials may have brought about a slight decrease in the number of incidents. Ignorance of the law on the part of victims was a problem. As a result, many widows received little or nothing from the estate. The fines that the law mandated for property grabbing were extremely low. During the year, the Law Development Commission, a semiautonomous body linked to the Ministry of Legal Affairs, began a review of the Intestate Succession Act. In response to the President's criticism of property grabbing, the police, through its VSU,

handled instances of property grabbing as criminal offenses.

NGOs that predominantly represented women's interests were particularly active as lobbying organizations. The Non-Governmental Organizations Coordinating Committee, an umbrella organization for women's NGOs, was influential in the Oasis Forum, which continued to conduct civic education programs on the issue of constitutional reform. Women for Change conducted a series of high profile human rights awareness programs with traditional leaders.

Children

The Government sought to improve the welfare of children, but scarce resources and ineffective implementation of social programs continued to affect adversely the welfare of children. The Ministry of Sport, Youth, and Child Development, the Ministry of Education, the Ministry of Labor, and the Ministry of Community Development and Social Services had the responsibility for improving child welfare.

Government policy provided for compulsory basic education for the first 9 years of elementary school; however, this policy was not enforced, and many children did not attend school. In March the Government announced the elimination of school fees and mandatory uniforms for primary education students, in an effort to increase school attendance by children of impoverished families. This initiative was commended widely and has reversed the decline in primary school attendance; the net enrollment ratio for children of primary school age increased from 66 percent in 1999 to 68 percent by year's end. Inadequate educational facilities and a scarcity of educational materials were problems. Some areas have established community schools; however, these schools had fewer resources than public schools and required contributions from parents. The number of girls and boys in primary school was approximately equal; however, fewer girls attended secondary school.

The number of street children in Lusaka increased from approximately 35,000 in 1991 to approximately 95,000 in 2001, partly because of the growing number of orphans whose parents have died from HIV/AIDS. Approximately 75 percent of all households were caring for at least one orphan; these children faced greater risks of child abuse, sexual abuse, and child labor. Approximately 7 percent of households were headed by children due to the death of both parents. The Government instituted programs to increase public awareness of HIV/AIDS.

Child abuse was believed to be fairly common, but few statistics were available. On July 30, the Deputy Minister of Home Affairs told Parliament that 925 child defilement cases were recorded over the last 2 years, of which 753 had been prosecuted. Of those numbers, 260 cases involved allegations of incest by parents. In August the National Initiative for Citizen's Awareness called on the Government to institute more severe penalties and step up prosecution of such offenses.

Child prostitution occurred (see Section 6.f.).

Laws against child prostitution were not enforced effectively; however, cases of child pornography and sexual exploitation generally were enforced effectively.

Persons with Disabilities

Persons with disabilities faced significant societal discrimination in employment and education. The Government took steps to ameliorate their hardships, including establishing a national trust fund to provide loans to persons with disabilities to help them start businesses, but its efforts were limited by scarce resources. The Government did not legislate or otherwise mandate accessibility to public buildings and services for persons with disabilities.

Section 6 Worker Rights

a. The Right of Association

The Constitution recognizes the right of workers to form and belong to trade unions, and these rights were exercised and protected in practice. The procedures for registration set forth in the Industrial and Labor Relations Act (IRA) were somewhat burdensome. For example, no organization can be registered unless it had at least 100 members; however, with some exceptions, no trade union may be registered if it claims to represent a class or classes of employees already represented by an existing trade union or eligible for membership in an existing trade union. Unions may be deregistered under certain circumstances; however, the IRA provides for notice, reconsideration, and right of appeal to an Industrial Relations Court. In practice antiunion activities were not

permitted prior to registration of a new union; however, the IRA provides for a 90-day period during which objections to registration may be lodged in writing.

The law provides the right of unions and their leaders to conduct their union activities without outside interference, and adequate enforcement mechanisms existed to protect this right. Unions acted independently of government, political parties, and other institutions in practice.

Approximately 60 percent of the 300,000 formal sector workers were unionized. Of the country's 19 large national unions, organized by industry or profession, 17 were affiliated with the Zambian Congress of Trade Unions (ZCTU). The ZCTU was operated democratically and, like its constituent unions, was independent of any political party and the Government. The Zambia Union of Financial and Allied Workers and the Primary Teachers Union of Zambia were independent of the ZCTU.

The law codifies the "one union, one industry" principle, but allows for a multiplicity of trade unions as well as federations of trade unions. The Bankers Union of Zambia, although registered with the Government in 1993, was unable to operate because the employers recognized the existing Zambia Union of Financial and Allied Workers. The Secondary School Teachers Union of Zambia (SSTUZ) and the Zambia National Teachers Union (ZNUT) continued to operate; however, most teachers still belonged to the ZNUT. The ZNUT lost bargaining power when some members switched to separate unions for primary and secondary school teachers; these unions experienced difficulty gaining the attention of the Government. Unions continued to experience increasing fragmentation due to a shrinking formal sector and changes in labor laws that decreased union leverage. Only 11 percent of the eligible workforce was employed in the formal sector; approximately 60 percent of the country's labor force was engaged in agriculture.

In a May 5 interview, Minister of Labor and Social Security Mutale Nalumango expressed an intention to crack down on organizations that violated labor laws such as by deliberately hiring casual workers for 5 months and then terminating their contracts in order to avoid employing them on a full-time basis after 6 months as required by law. In response to complaints that foreign investors were exploiting workers, the Minister announced plans to go from company to company to determine whether their employment policies met legal requirements; however, no known action was taken by year's end.

The law prohibits discrimination by employers against union members and organizers. Workers have access to an Industrial Relations Court (IRC) established by the IRA, which functions independently of government. Employers may not refuse to engage, dismiss, penalize, or discriminate against an employee for union membership or for holding union office. An employee who believed that he has been penalized for union activities may, after exhausting any existing administrative channels for relief, file a complaint with the IRC. This court had the authority to order the appropriate redress for the aggrieved worker. The complainant may appeal a judgment of the IRC to the Supreme Court. The IRC often ordered employers to reinstate workers found to have been victims of discrimination. The IRC had inadequate resources to handle the majority of the cases before it in a timely manner.

Under the IRA, a trade union is authorized to affiliate with a trade union organization or federation outside the country by a simple majority decision of members present and voting at a general conference of the union, provided that the Commissioner of Labor is notified within 21 days. The ZCTU was a member of the International Confederation of Free Trade Unions (ICFTU), and ZCTU President Fackson Shamenda served as President of the ICFTU during the year. In October Shamenda retired from the presidency of the ZCTU but remained President of the ICFTU at year's end. Labor leaders traveled without restrictions to international conferences and visited counterparts abroad.

b. The Right to Organize and Bargain Collectively

The right to collective bargaining, without government interference, is protected in law and freely practiced. Employers and unions in each industry negotiated collective bargaining agreements through joint councils in which there was no government involvement. Civil servants and teachers, as public officials, negotiated directly with the Government. Collective disputes were referred first to conciliation. If conciliation failed to resolve the dispute, the parties may refer the case to the IRC or, in the case of employees, vote to strike. In practice the industry joint councils functioned effectively as collective bargaining units.

All workers have the legal right to strike, except those engaged in essential services. In addition to the Zambia Defense Force, the judiciary, the police, the prison service, and the Security and Intelligence Service, the law defines as essential services any activity relating to the generation, supply, or distribution of electricity, to the supply and distribution of water, to sewerage, to fire departments, and to the maintenance of safe and sound

conditions in underground working environments such as shafts and machinery in the mining sector. It permits strikes only after all other legal recourse has been exhausted. Those procedures were sufficiently cumbersome that there has not been a legal strike since 1993. The law prohibits employers from retribution against employees engaged in legal union activities. Workers engaged in illegal strikes did not enjoy this protection.

In protest over nonpayment of accrued salary arrears and delayed payment of their July salaries, Copperbelt University lecturers initiated a "go slow" action, and the University of Zambia Lecturers and Researchers' Union (UNZALARU) organized a strike from July 31 to August 12. Government released a sum of \$66,667 (3 billion kwacha) to cover those payments. Health workers and the Resident Doctors Association of Zambia (RDAZ) also carried out a "go-slow" over late payment of their July salaries. In August lecturers at Evelyn Hone College in Lusaka boycotted classes for a week, after a registrar was suspended for allegedly leading efforts to bring about improved employment conditions. After student demonstrators clashed with police, the institution was closed on August 18, and police in riot gear compelled students to vacate the campus. No action was taken against the workers engaged in these strikes.

In November 2001, the country adopted an Export Processing Zones (EPZ) Act, providing for the designation of areas or premises where business enterprises will be entitled to relief from numerous taxes and duties. The listed incentives did not extend to exemption from applicable labor laws, and no such zones were established by year's end.

c. Prohibition of Forced or Bonded Labor

The Constitution prohibits forced or bonded labor, including by children, and the law was enforced effectively; however, it authorizes the Government to call upon citizens to perform labor in specific instances, for example, during national emergencies or disasters. The Government also may require citizens to perform labor that was associated with traditional civil or communal obligations, as when all members of a village were called upon to assist in preparing for a visit by a traditional leader or other dignitary.

There were reports that Angolan government soldiers and UNITA rebels abducted persons for forced labor; however, there were no such reports following the Angolan cease-fire in April.

d. Status of Child Labor Practices and Minimum Age for Employment

The legal minimum age for employment of children is 16 years. The Labor Commissioner effectively enforced this law in the industrial sector, where there was little demand for child labor because of high adult unemployment. Child labor was most concentrated in the hotel and catering industries, construction, farming, transportation, prostitution, and household work. The law was not enforced for those who work in subsistence agriculture, domestic service, and informal sectors, where children under the age of 16 often were employed. Acute family poverty levels and economic factors contributed to child labor, and the problem was compounded by the HIV/AIDS epidemic, which has produced a growing number of orphans.

In urban areas, children commonly engaged in street vending. The International Labor Organization estimated that approximately 564,000 children were in the work force during the year. A Child Labor Survey conducted by the Central Statistical Office placed the number at 595,000. While approximately 87 percent of working children worked in the agricultural sector, the number of children migrating to urban areas and living as street children increased rapidly, due to growing numbers of orphans resulting from the death of both parents due to HIV/AIDS.

As of September, an estimated 600 children were prevented from entering the labor market and 1,400 children withdrawn from hazardous work and provided with educational opportunities by direct action programs carried out by NGOs under the National Program on the Elimination of Child Labor.

The National Steering Committee of the National Country Program on Child Labor coordinated efforts at addressing the root causes of child labor.

e. Acceptable Conditions of Work

The minimum wage for nongovernment workers whose wages and conditions of employment, which were not regulated through collective bargaining, was determined by category of employment. Based on a 48-hour workweek, the legal maximum for nonunionized workers, a general worker earning the minimum wage would receive \$17.28 (76,800 kwacha) per month. The minimum wage was insufficient to provide a worker and family

with a decent standard of living, and most minimum wage earners supplemented their incomes through second jobs, subsistence farming, or reliance on the extended family.

With respect to unionized workers, wage scales and maximum workweek limits were established through collective bargaining. In practice almost all unionized workers received salaries considerably higher than the nonunionized minimum wage. The minimum workweek for full-time employment was 40 hours, which was the normal workweek. The law requires 2 days of annual leave per month of service. The Government effectively enforced these standards.

The law also regulates minimum health standards in industry, and the Department of Mines was responsible for enforcement. The Inspector of Factories under the Minister of Labor handled factory safety; however, staffing shortages limited enforcement effectiveness. There were provisions in the law to protect the right of workers to remove themselves from work situations that endanger health or safety without jeopardy to their continued employment. The Government has acted when well-known occupational health problems existed, for example, by requiring underground mine workers to receive annual medical examinations. The LRF reported three cases during the year of employers assaulting their workers, represented workers seeking compensation for on-the-job injuries, and urged the Government to enact stiffer penalties governing violent employer-employee incidents. Foreign workers were protected under the law and were not treated by specific legislation.

f. Trafficking in Persons

The Constitution prohibits trafficking of children under the age of 18, as well as trafficking in women for immoral activities; however, there were reports of trafficking in persons.

There are laws that criminalize child prostitution, pornography, and sexual exploitation of children under the age of 21; however, the presence of an estimated 95,000 street children in Lusaka contributed to the proliferation of street begging and prostitution. Anecdotal reports indicated that the food crisis resulted in an increase in prostitution, including child prostitution, in severely affected rural areas near transit routes. Statistics on child prostitution were not available, but it was considered widespread.

There were reports of small-scale trafficking of Zambian women to South Africa for prostitution and the use of the country as a transit point for regional trafficking of women to South Africa for prostitution.

Early in the year, Angolan Government forces or UNITA deserters abducted 59 citizens and forced them to accompany them back to Angola, where the abductees were forced to herd cattle, carry logistical supplies, and engage in prostitution. They were returned to the country by July 1 (see Sections 1.b. and 5).